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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5741 of 2023

Praveen Kumar @ Praveen

... Petitioner/1st Accused

Vs

The State represented by
Inspector of Police,
Bodinaickanur Rural Police Station,
Theni District.
(Crime No.36/2023).

... Respondent/Complainant

For Petitioner : M/s.Muniyandi.S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.36/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offence punishable under section 328 of IPC in Crime No.36 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein along with other accused were found in possession of Mephentermine 10ml and three syringes with needles, hence he case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that even according to the case of prosecution the petitioner had only purchased drugs called Mephentermine 10ml and handed over the accused 2 to 4 and inturn they only sold the same to the students. Now A1 to A4 were arrested and remanded to



judicial custody . Admittedly there was no recovery from this petitioner and he has been implicated as an accused based on the confession given by the co-accused. Further the petitioner has no bad antecedents, hence this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Bodinaikkanur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 INSPECTOR OF POLICE
BODINAICKANUR RURAL POLICE STATION, THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUNIYANDI.S Advocate SR.No.4986

**ORDER
IN**

CRL OP(MD) No.5741 of 2023
Date :28/03/2023

SA/CG/SAR IV/31/03/2023/3P/6C